

1504  
BILL NO. G-92-04-14

GENERAL ORDINANCE NO. G- 34-92

AN ORDINANCE amending the Thoroughfare  
Plan of the City Comprehensive ("Master")  
Plan by vacating an alley thereof.

WHEREAS, a petition to vacate a public alley within the  
City of Fort Wayne (as more specifically described below) was  
duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing  
thereon; and

WHEREAS, said Commission has duly forwarded its  
recommendation to this body approving said petition, all in  
accordance with I.C. 36-7-4-512(2) and this body having held  
a public hearing on said vacation as provided in I.C. 36-7-4-  
12; and

WHEREAS, this body concurs in the recommendation of the  
City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a  
public alley within the City of Fort Wayne, more specifically  
described as follows, to-wit:

A fourteen (14) foot wide alley running between the west  
right-of-way of Monroe Street and west to, but not  
including, Lots 22 and 33, located south of Lot 23 and  
north of Lot 32 all in Tabers Addition to the City of  
Fort Wayne, Indiana.

and which vacating amends the Thoroughfare Plan of the City  
Comprehensive ("Master") Plan and is hereby approved in all  
respects.

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage, any and all necessary  
approval by the Mayor.

C. R. Edmunds  
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay  
J. TIMOTHY MCCAULAY, CITY ATTORNEY



#504

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\*\* Public hearing to be held on \_\_\_\_\_,  
the \_\_\_\_\_ day of \_\_\_\_\_, 1992,  
in the Council Chambers.

\_\_\_\_\_  
Sandra E. Kennedy, City Clerk

FOUR STAR BOND  
SOUTHWORTH CO. U.S.A.  
25% COTTON FIBER

Read the first time in full and on motion by Edmonds, seconded by \_\_\_\_\_, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_, day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: 7-14-92

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Edmonds, seconded by \_\_\_\_\_, and duly adopted, placed on its passage. PASSED ~~Lost~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
TOTAL VOTES	<u>9</u>			
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GiaQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 7-14-92

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) \_\_\_\_\_ (APPROPRIATION) \_\_\_\_\_ (GENERAL)

(SPECIAL) \_\_\_\_\_ (ZONING) \_\_\_\_\_ ORDINANCE RESOLUTION NO. 9-34-92

on the 14th day of July, 1992

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Thomas E. Henry  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1992, at the hour of 11:00 o'clock PM, E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day of July, 1992, at the hour of 1:30 o'clock P M., E.S.T.

Paul Helmke  
PAUL HELMKE, MAYOR



# RECEIPT

No 10893

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IND.,

19

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

*3/9 92*  
*Shoape Park Assoc*  
*one hundred & 00/100*  
\$ *100.00*  
DOLLARS

*3644*

*Alley Mcatrin*  
*16/12*

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

AUTHORIZED SIGNATURE

Date Filed: March 9, 1992

Vacation Petition

I/We The Foellinger Foundation  
(Applicant's Name or Names)

PETITION TO VACATE the alley  
(Street, Alley, Utility Easement, Plat,  
Other)

TO: THE CITY PLAN COMMISSION  
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner(s), do (does) hereby respectfully  
petition the Fort Wayne City Plan Commission to vacate the  
following alley with the City of Fort  
Wayne, Indiana, and hereby described as follows:

A fourteen (14) foot wide alley running between the west right-of-way line  
of Monroe Street and west to, but not including, Lots 22 and 33, located  
south of Lot 23 and north of lot 32 all in Tabers Addition to the City of  
Fort Wayne, Indiana.

(Legal Description of property being vacated) If additional  
space is needed use reverse side.)

In support thereof, your petitioner(s) would represent as  
follows:

(List reasons for requesting vacation.)

1. Both properties on each side of the alley are now owned by the petitioner.
2. The alley is no longer necessary as ingress or egress.

(If additional space is needed use reverse side.)

Your petitioner(s) file this petition pursuant to the authority  
granted in Indiana Code, and provisions of local ordinance, in  
order to complete the vacation as described.

WHEREFORE, your petitioner(s) pray that the above described  
alley be vacated according to the provisions  
of the Indiana Law pertaining thereto.

DATED THIS 9th DAY OF March, 19 92

The Foellinger Foundation  
Adjacent Property Owner  
Typed Name

520 East Berry Street 46802  
Address Zip

  
Signature

\_\_\_\_\_  
Adjacent Property Owner  
Typed Name

\_\_\_\_\_  
Address Zip

\_\_\_\_\_  
Signature

Legal Description of Property:

Parcel 1:

Lots 18, 19, 20, 21, 22, and 23 together with the vacated 10-foot alley between Lots 20 and 21 all in Tabers Addition to the City of Fort Wayne, Indiana.

Parcel 2:

Lots 32, 33, 34, 35, 36, and 37 and the vacated 10-foot alley between Lots 34 and 35 all in Tabers Addition to the City of Fort Wayne, Indiana, together with Lots 16, 17, 18, 19, 20, and 21 and the vacated 10-foot alley between Lots 18 and 19 all in Samuel Hanna's Addition to the City of Fort Wayne, Indiana.

Parcel 3:

That part of the vacated 14-foot east/west alley adjacent to Lots 18-22 and 33-37 in Tabers Addition to the City of Fort Wayne, Indiana.

Additional Reasons for Vacation Request:

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Owners of Adjacent Property:

<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>

Adjacent Property Owners TYPED Name	Address/Zip	Signature
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NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

This form is to be filed in duplicate.

AGENT:

Able Ringham Moake Park, Inc.  
Name

202 West Berry Street, Suite 630  
Street Address

Fort Wayne, IN 46802  
City/State/Zip

(219) 420-1061  
Phone

## RESOLUTION

WHEREAS, THE FOELLINGER FOUNDATION has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley situated in Fort Wayne, Allen County, to-wit:

A fourteen (14) foot wide alley running between the west right-of-way of Monroe Street and west to, but not including, Lots 22 and 33, located south of Lot 23 and north of Lot 32 all in Tabers Addition to the City of Fort Wayne, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on April 20, 1992 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated alley.

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated alley in Allen County, Indiana.

STATE OF INDIANA) ) SS:  
COUNTY OF ALLEN )

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, April 27, 1992 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 18th DAY OF May 1992

FORT WAYNE CITY PLAN COMMISSION

Robert Hutner  
Secretary

## RESOLUTION 79-238-4

WHEREAS, THE FOELLINGER FOUNDATION has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley situated in Fort Wayne, Allen County, to-wit:

A fourteen (14) foot wide alley running between the west right-of-way of Monroe Street and west to, but not including, Lots 22 and 33, located south of Lot 23 and north of Lot 32 all in Tabers Addition to the City of Fort Wayne, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA) )  
COUNTY OF ALLEN ) SS:

I, CHARLES E. LAYTON, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held \_\_\_\_\_ and as same appears of record in the official records of the Board of Public Works.

DATED THIS 21 DAY OF May 1992

~~FORT WAYNE~~ BOARD OF PUBLIC WORKS

Charles E. Layton  
Director of Public Works

Katherine A. Carrier  
Member, Board of Public Works

C. James Owen  
Member, Board of Public Works



**Division of Community  
Development & Planning**

**BILL NUMBER**

**BRIEF TITLE**

**APPROVAL DEADLINE**

**REASON**

Alley Vacation Ordinance

**DETAILS**

<p><b>Specific Location and/or Address</b> The first alley north of Wayne Street on the west side of Monroe Street.</p>	
<p><b>Reason for Project</b>  Future development for office buildings.</p>	
<p><b>Discussion (Including relationship to other Council actions)</b> <u>20 April 1992 - Public Hearing</u>  Ed Garrett, 1306 Home Avenue representing the Foellinger Foundation appeared before the Commission. Mr. Garrett stated that this portion of alley no longer serviced any properties. He stated that they were requesting the vacation so that in the future it could be used to help implement the construction of additional office buildings. He stated that if vacated they intend currently just to landscape the property.  There was no one else present to speak in favor of or in opposition to the proposed vacation.  <u>27 April 1992 - Business Meeting</u>  Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation conditioned upon the petitioner providing utility easements or relocations as needed.</p>	

**POSITIONS**

**RECOMMENDATIONS**

<p><b>Sponsor</b></p>	<p>City Plan Commission</p>
<p><b>Area Affected</b></p>	<p>City Wide</p> <p>Other Areas</p>
<p><b>Applicants/ Proponents</b></p>	<p><b>Applicant(s)</b> The Foellinger Foundation</p> <p>City Department</p> <p>Other</p>
<p><b>Opponents</b></p>	<p>Groups or Individuals</p> <p>Basis of Opposition</p>
<p><b>Staff Recommendation</b></p>	<p><input checked="" type="checkbox"/> For      <input type="checkbox"/> Against</p> <p align="center">Reason Against</p>
<p><b>Board or Commission Recommendation</b></p>	<p>By</p> <p><input checked="" type="checkbox"/> For      <input type="checkbox"/> Against</p> <p><input type="checkbox"/> No Action Taken</p> <p><input type="checkbox"/> For with revisions to conditions (See Details column for conditions)</p>
<p><b>CITY COUNCIL ACTIONS</b> (For Council use only)</p>	<p><input type="checkbox"/> Pass      <input type="checkbox"/> Other</p> <p><input type="checkbox"/> Pass (as amended)      <input type="checkbox"/> Hold</p> <p><input type="checkbox"/> Council Sub.      <input type="checkbox"/> Do not pass</p>

**DETAILS**

Of the seven (7) members present, six (6) voted for the motion, one (1) did not vote.

Motion carried.

**POLICY/ PROGRAM IMPACT**

<b>Policy or Program Change</b>	<input type="checkbox"/> No <input type="checkbox"/> Yes
<b>Operational Impact Assessment</b>	

(This space for further discussion)

**Project Start** **Date** 9 March 1992

**Projected Completion or Occupancy** **Date** 18 May 1992

**Fact Sheet Prepared by** **Date** 18 May 1992

Patricia Biancaniello

**Reviewed by** **Date**  
 26 May 1992

**Reference or Case Number**

#504

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Alley Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE A 14 foot wide portion of an east/west alley lying between Lots 23 and 32 in Taber's Addition.

*G-92-04-14*

EFFECT OF PASSAGE Property is currently a dedicated right-of-way. Property will be vacated and revert to the adjacent property owners.

EFFECT OF NON-PASSAGE Property will be remain a dedicated right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

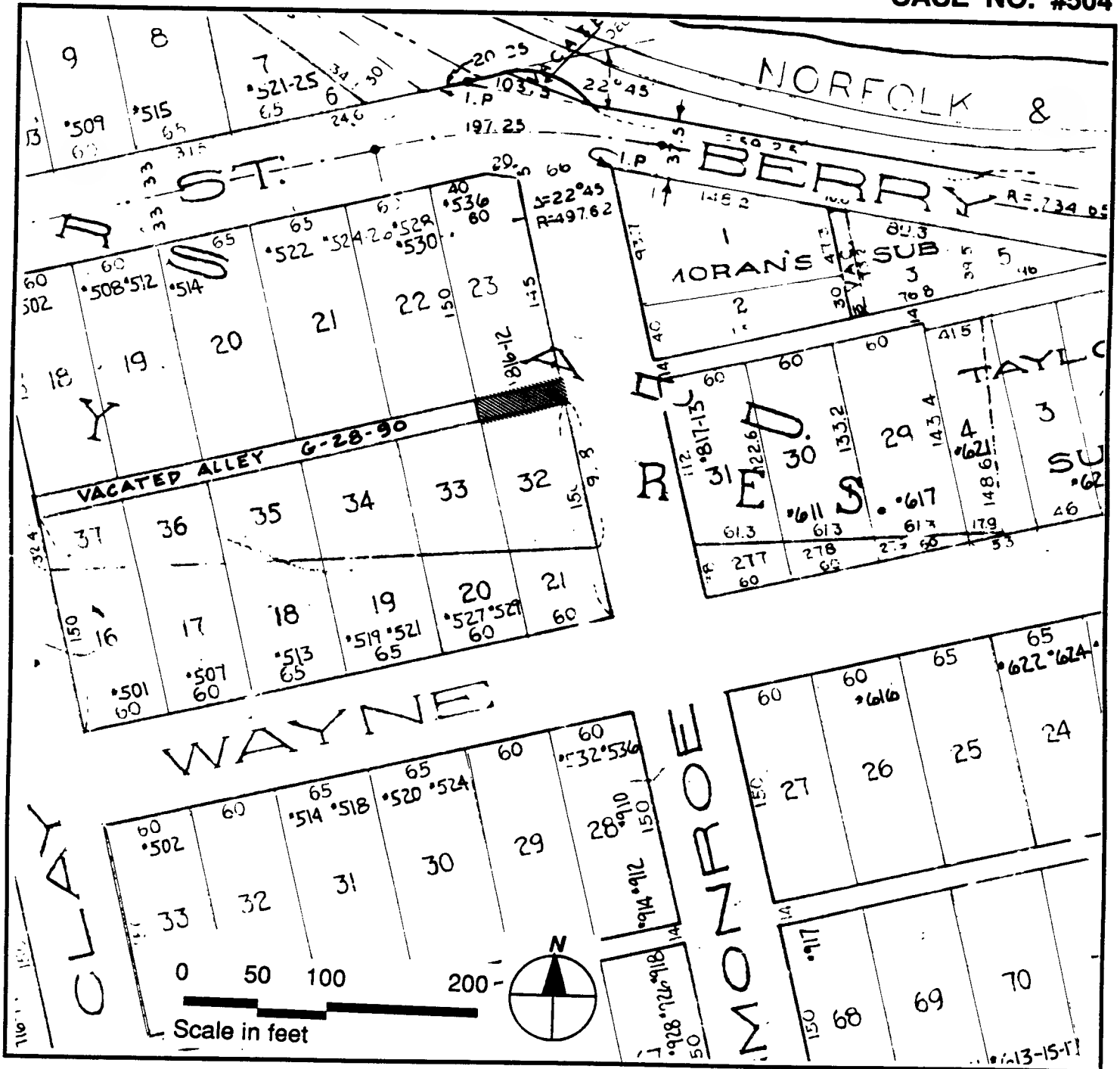
(ASSIGN TO COMMITTEE) \_\_\_\_\_



# VACATION PETITION

## AREA MAP

**CASE NO. #504**



COUNCILMANIC DISTRICT NO. 1

Map No. N-6  
LW 3-27-92

<b>R1</b>	One-Family	<b>B1</b>	Limited Business	<b>M1</b>	Light Industrial
<b>R2</b>	Two-Family	<b>B2</b>	Planned Shopping Center	<b>M2</b>	General Industrial
<b>R3</b>	Multi-Family	<b>B3</b>	General Business	<b>M3</b>	Heavy Industrial
<b>RA/RB</b>	Residential	<b>B4</b>	Roadside Business	<b>MHP</b>	Mobile Home Park
<b>PUD</b>	Planned Unit Dev.	<b>POD</b>	Professional Office District		

BILL NO. G-92-04-14

REPORT OF THE COMMITTEE ON  
REGULATIONS

CLETUS R. EDMONDS, CHAIR  
MARK E. GIAQUINTA, VICE CHAIR  
RAVINE, SCHMIDT

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Thoroughfare  
Plan of the City Comprehensive ("Master") Plan by vacating an  
alley thereof

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

C.R. Edmonds

Rebecca Cavie

Mark E. Giaquinta

DATED: 7-14-92.

Sandra E. Kennedy  
City Clerk



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

June 10, 1992

Able Ringham Moake Park Inc.  
202 W Berry Street  
Suite 630  
Fort Wayne, IN 46802

### NOTICE OF PUBLIC HEARING ON BILL NO. G-92-04-14

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, July 7, 1992, at 7:00 P.M. (EST) in the Common Council Conference Room 128, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

The first alley north of Wayne Street on the west side of Monroe Street - Future development for office buildings

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

FORT WAYNE COMMON COUNCIL

Sandra E. Kennedy  
City Clerk





## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

June 10, 1992

Ms. Connie Lambert  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of June 13, 1992, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, IN

Bill No. G-92-04-14  
Alley Vacation Ordinance

Please send us 3 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy  
City Clerk

SEK/ne  
ENCL: 1

NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(BILL NO. G-92-04-14)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, July 7, 1992, at 7:00 P.M. (EST) in the Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

A fourteen (14) foot wide alley running between the west right-of-way of Monroe Street and west to, but not including Lots 22 and 33, located south of Lot 23 and north of Lot 32 all in Tabers Addition to the City of Fort Wayne, Indiana.

All interested parties are invited to appear and be heard.

FORT WAYNE COMMON COUNCIL

Sandra E. Kennedy  
City Clerk

*From the Desk of:*

**Pat Biancaniello**

Contact:

Able Ringham Moake Park Inc  
202 W Berry St  
Suite 630  
Fort Wayne IN 46802